

In Dick, as explained at column 5, beginning at line 60, the virtual masses of submerged bodies are adjusted to arrange that the two floats oscillate with different phase angles.

In the pending application, however, as explained beginning at the bottom of page 4, whether a float heaves in-phase or out-of-phase with a passing surface wave is dependent upon whether the float displaces a small or large volume of water relative to the float's waterplane area. That is, the shapes of the floats determine the oscillation phase relationships.

The two approaches-- Dick's; dealing with float masses; and applicant's; dealing with float shapes-- are quite different, and such differences are reflected in the pending claims.

Claim 1, and claims 4-7 dependent thereon, call for first and second floats, with the first float being flat and having a draft substantially less than the draft of the second (elongated) float.

The Examiner does not refer to the flat configuration of the first float, but observes that, in Dick, the draft of the first float (presumably the outer float 6) is substantially less than the draft of the second float. With respect, this is not how the undersigned understands the matter.

In Dick, two floats move relative to one another and, at any given time, one or the other of the two floats is at a height elevated over the other. In figures 1, 3 and 4 of Dick, for example, the outer float 6 is shown above the inner float 5 and, at the instants of time there illustrated, the float 5 apparently has a deeper draft than the float 6. However, in figure 6, at the instant of time there illustrated, the float 5 is elevated above the float 6 and apparently has a smaller draft. The apparent changes in the relative drafts of the floats result, however, simply because the different figures illustrate the floats at different instances of time.

At column 9 beginning at line 15, Dick makes reference to the need to carefully select the respective drafts of the two floats, but apparently does not describe, nor provide, examples of how such selections are made. To the undersigned, based solely on the relative vertical dimensions of the two

floats and dependent submerged bodies, it appears that, on a perfectly flat water surface, and with stationary floats, the two floats would have identical drafts. Note that, in applicant's apparatus, two floats of different shapes are used; one flat and the other elongated. Different drafts would be expected. In Dick, however, both floats have the same, elongated, shape and would be expected to have similar drafts.

Admittedly, the foregoing is simply the undersigned's view of the matter, and the Examiner's view may well be different. Between the two views, however, the burden of proof is, at least initially, on the Examiner. Accordingly, unless the Examiner can clearly show that the two floats in Dick have substantially different drafts, as specified in claim 1, the rejection based upon Dick must be withdrawn.

Claims 2 and 3 more specifically define the relative shapes of the two floats, and in a manner entirely different from anything shown or suggested in Dick. The M.P.E.P., in section 2143, explains that, to establish a prima facie case of obviousness, the prior art reference must teach or suggest all the claim limitations, and that the teaching or suggestion must be found in the prior art and not in applicant's disclosure. Section 2144.03 further notes that applicant can challenge the Examiner's "well known" statement, and such challenge is herewith made. Subject to the citation of further prior art, it is applicant's position that there is no support for the Examiner's rejection of claims 2 and 3 as being obvious in view of Dick.

Reconsideration of the rejection and allowance of the application are respectfully requested

Respectfully submitted,



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